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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

W.P.No. 3838 of 1992

PETITIONER

Raj Kumar Bhagwani, S/o Ishwardas Bhagwani, aged 33 years, Proprietor Asha Provision, Station Road, Tilda, Post Nevara, District Raipur.

Versus

RESPONDENTS

1. Union of India, through its General Manager, South Eastern Railway, Garden Reach, Calcutta.
2. Divisional Manager, South Eastern Railway, Bilaspur,
3. Senior Divisional Engineer, South Eastern Railway, Bilaspur.

Writ petition under Article 226/227 of the Constitution of India.

Present : Shri Manoj Paranjape, counsel for the petitioner.
Shri P.S. Koshy, counsel for the respondents.

ORAL ORDER

(Passed on 13th April, 2007)

The petitioner claims that he is the owner of petty shop in village Tilda, District Raipur. In this petition, he has sought for the following reliefs :

- (i) Issue a writ of mandamus commanding the respondents not to evict the petitioner forcefully without taking recourse to law.
- (ii) direct the respondents not to disturb the petitioner from carrying on the business on the premises allotted to the petitioner by virtue of Annexure-P/2;
- (iii) any other writ/writs, direction/directions, relief/ reliefs which this Hon'ble Court deems fit and proper in the circumstances may be granted.

(2) In my opinion, in exercise of this Court's power under Article 226/227 of the Constitution of India, normally this Court would not grant order of injunction restraining the respondents from doing a particular act. If for any reason, the petitioner is of the opinion that the respondents are trying to disturb his peaceful



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possession and enjoyment of the shop in which he is carrying on the business, he has to file appropriate civil suit before the appropriate Court.

(3) In view of the above, the reliefs sought for by the petitioner in this writ petition cannot be granted. Accordingly, the writ petition is rejected. Ordered accordingly.

Sd/-
Chief Justice